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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

RONALD K. HOOKS, Regional Director of the
Nineteenth Region of the National Labor Relations
Board, for and on behalf of the NATIONAL LABOR
RELATIONS BOARD,

Petitioner,

v.

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 8,**

Respondent,

and

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, LOCAL 40,**

Respondent,

and

**INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION**

Respondent.

Case No.: 3:12-cv-01088-SI

REVISED [REDACTED] TEMPORARY
RESTRAINING ORDER

The Petition of Ronald K. Hooks ("Petitioner"), Regional Director for Region 19 of the National Labor Relations Board (the "Board") for and on behalf of the Board, having been filed and properly served on International Longshore and Warehouse Union Local 8, International Longshore and Warehouse Union Local 40, and the International Longshore and Warehouse Union (jointly, "Respondents"), pursuant to §10(l) of the National Labor Relations Act (the "Act"), as amended [29 U.S.C. § 160(l)], following the issuance of the unfair labor practice complaint in Cases 19-CC-82533 and 19-CC-82744 against Respondents, pending disposition before an Administrative Law Judge of the Board, and Petitioner having filed a Motion for a Temporary Restraining Order pursuant to Fed. R. Civ. P. 65(b) pending the filing of a petition for preliminary injunctive relief, the Petition being verified and supported by affidavits and exhibits; and

IT APPEARING to the Court from the verified Petition, other pleadings, affidavits, exhibits, argument of counsel, the hearing held before the Court on June 22, 2012, and the entire record in this matter, that:

1. There is reasonable cause to believe that Respondents are statutory labor organizations within the meaning of § 2(5) of the Act [29 U.S.C. § 152(5)];
2. There is reasonable cause to believe that the Respondents, through their agents, have engaged with an unlawful object, *inter alia*, in work slowdowns, stoppages, withholding of services, threats, coercion and restraint of persons engaged in commerce, or in an industry affecting commerce;
3. There is reasonable cause to believe that the above-described conduct of the Respondents violates §§ 8(b)(4)(i) and (ii)(B) of the Act and that said unfair labor practices affect commerce or an industry affecting commerce within the meaning of §§ 2(6) and (7) of the Act;
4. There is imminent danger that, absent immediate temporary injunctive relief, substantial and irreparable injury to the statutory rights of employees under the Act will be inflicted by the Respondents

until the petition for preliminary injunctive relief can be filed and heard, and that the final administrative order of the Board will be frustrated or nullified if interim relief is not immediately granted; and

5. It is appropriate and just and proper, within the meaning of § 10(l) of the Act and Fed. R. Civ. P. 65(b) that, pending completion of the hearing before the Court on the merits of the Petition, and for a period of ten (10) days from the entry of this Order, that the Respondents be temporarily enjoined and restrained from the commission of further acts and misconduct in violation of the Act as described in the Petition.

WHEREFORE, IT IS HEREBY ORDERED that Respondents International Longshore and Warehouse Union Local 8, International Longshore and Warehouse Union Local 40, and the International Longshore and Warehouse Union, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, for a period of ten (10) days' duration from the date of this Order, as provided for in Rule 65(b) of the Federal Rules of Civil Procedure and pursuant to the provisions of the Act, are

ENJOINED AND RESTRAINED from, in any manner or by any means, including engaging in slowdowns, stoppages, withholding of services, or threatening, coercing or restraining ICTSI Oregon, Inc., or any other person engaged in commerce, or in an industry affecting commerce, where in any case an object thereof is to force or require ICTSI Oregon, Inc., or any other person engaged in commerce, or in an industry affecting commerce, to cease handling, using, selling, transporting, or otherwise dealing in the products of, or to cease doing business with the Port of Portland, or any other person engaged in commerce, or in an industry affecting commerce, or with each other.

IT IS FURTHER ORDERED that Respondents International Longshore and Warehouse Union Local 8, International Longshore and Warehouse Union Local 40, and the International Longshore and Warehouse Union shall, within three (3) days, provide to each of their officers, representative, employees,

agents and members involved with work performed at Terminal 6 a copy of this Order and a clear written directive to refrain from engaging in any conduct inconsistent with this Order;

IT IS FURTHER ORDERED that Respondents International Longshore and Warehouse Union Local 8, International Longshore and Warehouse Union Local 40, and the International Longshore and Warehouse Union shall, within three (3) days, provide to each entity listed in the table attached hereto as Exhibit A, as well as the Pacific Maritime Association, a copy of this Order and written notice that Respondents will comply with this Order and specifically will not engage in any conduct prohibited by §§ 8(b)(4)(i) and (ii)(B) of the Act, including, but not limited to, engaging in slowdowns, stoppages, withholding of services, or threatening, coercing or restraining ICTSI Oregon, Inc., or any other person engaged in commerce, or in an industry affecting commerce, where in any case an object thereof is to force or require ICTSI Oregon, Inc., or any other person engaged in commerce, or in an industry affecting commerce, to cease handling, using, selling, transporting, or otherwise dealing in the products of, or to cease doing business with the Port of Portland, or any other person engaged in commerce, or in an industry affecting commerce, or with each other.

IT IS FURTHER ORDERED that Respondent International, Respondent Local 8, and Respondent Local 40, within five (5) days of the issuance of this Order, shall each file with the District Court and serve a copy upon the Petitioner, a sworn affidavit from a responsible official which describes with specificity how it has complied with the terms of this Order.

IT IS FURTHER ORDERED that, to assure compliance with the Court's temporary restraining order, the United States Marshals Service **IS DIRECTED** to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order. A copy of this Order shall be served upon the United States Marshal for the District of Oregon.

IT IS FURTHER ORDERED that service of a copy of this Order be made forthwith by a United States Marshal upon Respondents International Longshore and Warehouse Union Local 8, International

Longshore and Warehouse Union Local 40, and the International Longshore and Warehouse Union, in any manner provided in the Federal Rules of Civil Procedure for the United States District Courts and that proof of such service be filed with the Court.

IT IS SO ORDERED.

DATED at Portland, Oregon this 3rd day of July, 2012.


UNITED STATES DISTRICT JUDGE

Presented by:

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National Labor Relations Board

Name	State of Incorporation	Place of Business/ Residence	Nature of Business
"K" Line America, Inc.	Michigan	Portland, OR	Shipping company
Accelerated Delivery Systems	Oregon	Sherwood, OR	Container transportation company
Aladdin Transportation & Warehousing, Inc.	Washington	Portland, OR	Container transportation company
Anderson Hay & Grain, Inc.	Washington	Aurora, OR	Container transportation company
Apex Containers Inc.	Idaho	Twin Falls, ID	Container transportation company
Atlantic & Pacific Freightways, Inc.	Washington	Vancouver, WA	Container transportation company
Beaver Freight Services, LLC	Oregon	Portland, OR	Container transportation company
Bridge Terminal Transport, Inc.	New Jersey	Charlotte, NC	Trucking company
Bridgetown Trucking Inc.	Oregon	Portland, OR	Container transportation company
BTS Container Service, Inc.	Oregon	Portland, OR	Container transportation company
Bulk Transportation Inc.	California	Walnut, CA	Container transportation company
C.H. Robinson Worldwide Inc.	Minnesota	Eden Prairie, MN	Container transportation company
Calbag Metals Co.	Oregon	Portland, OR	Container transportation company
Cascade Express	Oregon	Salem, OR	Container transportation company
CGPS, Inc. d/b/a Courtesy Trucking	Oregon	Portland, OR	Container transportation company
Combined Transport, Inc.	Oregon	Central Point	Container transportation company
ConGlobal Industries, Inc.	Delaware	San Ramon, CA	Container transportation company
Cosco North America, Inc.	Delaware	Secaucus, NJ	Shipping company
Dawn Transportation Inc.	Washington	Battle Ground, WA	Container transportation company
Eagle Systems, Inc.	Washington	Wenatchee, WA	Container transportation company
Emmert Industrial Corp.	Oregon	Clackamas, OR	Container transportation company

Gilbertson Transport, Inc.	Oregon	Vancouver, WA	Container transportation company
Globe Pro Services, LLC	Washington	Puyallup, WA	Container transportation company
Golden Valley Farms, LLC	Oregon	Silverton, OR	Container transportation company
Hamburg Sud North America, Inc.	New Jersey	Morristown, NJ	Shipping company
Hanjin Shipping America, LLC	New Jersey (limited liability)	Paramus, NJ	Shipping company
Hapag Lloyd America Inc.	Delaware	Wilmington, DE	Shipping company
ICTSI	Oregon	Portland, OR	Cargo handling company
Imperial Trucking, Inc.	Oregon	Portland, OR	Container transportation company
Independent Dispatch, Inc.	Oregon corporation	Portland, OR	Container transportation company
J & J Trucking, LLC	Washington	Vancouver, WA	Container transportation company
Johnston Bros.	Oregon	Portland, OR	Container transportation company
KBWT Inc.	Oregon	Vancouver, WA	Container transportation company
Legends Logistics, Inc. d/b/a Legends Logistics & Transloading	Georgia	Albany, GA	Container transportation company
Les Schwab Tire	Oregon	Bend, OR	Container transportation company
Market Transport, Ltd d/b/a West Coast Trucking	Oregon	Portland, OR	Container transportation company
Mercer Transportation Co., Inc.	Indiana	Louisville, KY	Container transportation company
Mitchell Bros. Truck Line, Inc.	Washington	Vancouver, WA	Container transportation company
Morgan C.F.S., Inc.	Oregon	Portland, OR	Container transportation company
Morgan Trucking Inc.	Oregon	Prineville, OR	Container transportation company
Northwest Container Services, Inc.	Oregon	The Woodlands, TX	Container transportation company
Northwest Logistics, Inc.	Oregon	Oregon City, OR	Container transportation company

Omega Morgan, Inc.	Oregon	Hillsboro, OR	Container transportation company
Portland Container Repair Corporation	Oregon	Portland, OR	Container transportation company
Quality Trading Co., LLC	Oregon	Aurora, OR	Container transportation company
RoadLink USA Pacific, LLC	Delaware	Vancouver, WA	Container transportation company
Santiam Transport, Inc.	Oregon	Portland, OR	Container transportation company
Schnitzer Steel Co.	Oregon	Portland, OR	Container transportation company
Shippers Transport Express, Inc.	California	Seattle, WA	Container transportation company
Simon and Simon Freight Trucking (inactive)	Oregon	Portland, OR	Container transportation company
Smith Seed Services, LLC	Oregon	Halsey, OR	Container transportation company
Specialized Transport Service LLC	Oregon	Portland, OR	Container transportation company
Strikwerda, Inc. d/b/a All Parts Brokers	Idaho	Caldwell, ID	Freight forwarding company
T & G Trucking & Freight Co.	Oregon	Portland, OR	Container transportation company
T.R. Compton, Inc.	Idaho	Nampa, ID	Container transportation company
Terminal Maintenance Corporation ("TMC")	California	Portland, OR	Container Maintenance Company
Terminal Transfer, Inc.	Oregon	Portland, OR	Container transportation company
Titan Freight System, Inc.	Oregon	Milwaukie, OR	Container transportation company
Vancouver Warehouse & Distribution Co., Inc.	Washington	Vancouver, WA	Container transportation company
Waste Control Recycling Inc.	Washington	Longview, WA	Container transportation company
West Coast Multimodal, Inc.	Washington	Washougal, WA	Container transportation company
Western Container Transport, Inc.	Washington	Vancouver, WA	Container transportation company
Western Ports Transportation, Inc.	Washington	Seattle, WA	Container transportation company

Westwood Shipping Lines, Inc.	Washington	Puyallup, WA	Shipping company
Weyerhaeuser Co.	Washington	Federal Way, WA	Container transportation company
Wilfong Farms Trucking, LLC	Oregon	Dallas, OR	Container transportation company
Wilhelm Trucking Company	Oregon	Portland, OR	Container transportation company
Yang Ming America Corporation	New York	Jersey City, NJ	Shipping company
Z P Transport, Inc.	Washington	Vancouver, WA	Container transportation company